



DEPARTMENT OF PUBLIC SAFETY

200 E. Washington Street, Suite E-270, Indianapolis IN, 46204

Telephone: (317) 327-5090 ~ Fax: (317) 327-3446

June 12, 2013

RE: Limited English Proficiency Team

James Waters, Team Lead

Commander Waters,

Thank you to you and your team for your diligence in seeing this efficiency team's goals met. We met last week where you shared your team's recommendations. I accept your team's recommendations and will assign them as follows, with exceptions on #1, #3 and #5:

Assigned to the Indianapolis Metropolitan Police Department:

- 1) LEP Access Services will be run out of IMPD Training for balance of Year2013. **Establishing an office of LEP Access Services will be discussed for YR2014.**
- 2) Appoint a Limited English Proficiency Program Coordinator
- 3) Agency CEOs are Responsible for Developing Agency-Specific Policies and Procedures **Will be assigned to all DPS-wide YR2014 Business Plans.**
- 4) Develop Partnerships Within the LEP community
- 5) Re-establish the Spanish Language Immersion Training **We will be doing this but we will focus on local immersion training in our Spanish speaking neighborhoods.**
- 6) Develop Translated Documents, Signs, and Forms
- 7) Monitor and Track Program Progress, Success and Recommended Suggestions
- 8) Train All Personnel In Every Aspect of the LEP Program
- 9) Develop and Implement On-Line Access to LEP Services
- 10) Provide Employees With Language Specific Tools

In addition, the point person will also be tasked to: 1) Review Interpreter Boxes which could be utilized, and 2) Keep a DPS wide focus for implementation considerations.

Chief Hite has agreed with your team's suggestion for Lt. Leary to be the point person for the implementations of these recommendations.

Thank you again for your team's efforts.

Sincerely,

Troy Riggs



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LEP--Efficiency Team – Recommendation Overview

1. What division within DPS will “own” the recommendations?
 - a. Do the recommendations fall in the boundaries of said division’s mission and goals?
IMPD Training will oversee to begin—a future division might include city services
2. Who will serve as ongoing point person for the proposed recommendations?
Lt. Leary from Police Training, need to have additional help—possibly assistant
3. What is fiscal impact of each recommendation?
Possible funding of civilian liaison (above). Consul of Mexico has expressed interest in funding
4. What data is available to substantiate the proposed recommendations?
DOJ data that requires assistance for populations over 2%. Additionally, the DOJ has visited the city
5. What is implementation plan for each recommendation?
 - a. Outline implementation timeline—Begin August 1st with PD (include in business plans for 2014 for remained of departments)
 - b. List implementation obstacles—political issues tied to illegal immigration—our purpose could get lost in that debate
6. Are there any potential media issues that may be tied to proposed recommendations? Same as 5b
7. Any potential issues for the Ballard administration that may be tied to the proposed recommendations?
Same as 5b
8. Will the proposed recommendations require changes to municipal code, general orders, etc?

Potentially new general orders
9. Will be there be issues with labor organizations tied to the proposed recommendations? None
 - a. FOP
 - b. Local 416
 - c. AFSCME
10. Will the recommendations promote the safety and welfare of the public? Yes. Better sharing of information between citizens and the government that represents them.

Things to do: Commander Waters to work to schedule group meeting to discuss my findings. Troy to meet with Chief Hite. Include on police goals and objectives (special project section.) Post team findings and my letter with implementation plan on the web site and send out media release.

CITY OF INDIANAPOLIS
DEPARTMENT OF PUBLIC SAFETY

**Recommendations for
Implementation of the Limited
English Proficiency Program**



Limited English Proficiency Team

May 2013

This document sets forth the recommendations for implementation of the Limited English Proficiency Action Plan. These recommendations are provided as a result of the work of the Limited English Proficiency Team appointed by the Director of Public Safety.



EXECUTIVE SUMMARY

In March of 2013, the Director of the Department of Public Safety (*herein after referred to as the "DPS" or the "Department"*) convened the Limited English Proficiency (LEP) Team with the following objectives:

1. Review current systems and processes that provide persons with limited English proficiency access to DPS services; and
2. Make specific recommendations to ensure DPS services are accessible to any and all persons with limited English proficiency.

This is a collaborative effort between DPS personnel, service providers, and the LEP community as a whole. The goal of this partnership is to provide a foundational document upon which a successful LEP program can be developed and implemented.

ACKNOWLEDGEMENT

*The team wishes to acknowledge the generous contribution by Mr. Juan Solana, **Consul of Mexico**, who provided a great deal of invaluable expertise to help develop the Team's recommendations. His insight into the LEP community will ensure the implementation of a quality LEP program. Mr. Solana's time and services were given freely and voluntarily despite his hectic and demanding office schedule.*

It should be noted that Mr. Solana has fully endorsed the LEP Team's recommendations outlined in this report. He has an unwavering commitment to ensure the LEP community is well served by the Department of Public Safety and its agencies. Mr. Solana once stated "Badges without Borders is one of the best Spanish Immersion Programs in the U.S."

Reasons for Providing LEP Services to Citizens of Indianapolis

The Indianapolis Department of Public Safety is unwavering in its commitment to provide its citizens with access to a wide variety of services, regardless of their proficiency in the English language. A Limited English Proficiency Action Plan has been adopted for use by both government and non-government entities to ensure citizens have full access to LEP services, programs, and information.

The United States Department of Justice has published conclusions regarding the necessity of an agency to provide LEP services. When these services are not readily available at a given agency, LEP individuals may be less likely to seek out, participate in, and/or benefit from its programs and services. Additionally, the LEP population may be reluctant to provide investigative information, crime tips, or even to file legitimate complaints.

It has been proven time and again that barriers in communication can lead to a breakdown in a productive flow of information, both **from** the Department of Public Safety **to** LEP constituents, and vice-versa.



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EXECUTIVE SUMMARY (Continued)

Self-assessment of the number of current LEP contacts may significantly underestimate the need for language services. Agencies should make every effort to conduct effective outreach to:

- Provide information to the public and LEP communities regarding language assistance services available that are free of charge. Information should be provided in English, as well as other appropriate languages, in a variety of formats. This might include signage, websites, translated documents, telephone tree options, kiosks, and community-focused outreach;
- Coordinate with other agencies and stakeholders to ensure consistent LEP services are provided based on the particular needs of LEP constituents; and
- Exchange information about promising practices, challenges faced, and eventual successes with other governmental and non-governmental agencies.


In order to comply with Title VI of the Civil Rights Act of 1964 and the Omnibus Crime Control and Safe Streets Act of 1968, the Indianapolis Metropolitan Police Department (*herein after referred to as the "Agency"*) has drafted a written policy outlining a Limited English Proficiency (LEP) Action Plan. This plan is designed to provide the same level of service to all citizens in Indianapolis, regardless of any existing language barriers. The agency's plan outlines steps to implement, monitor and evaluate the continuing effectiveness of the program.

Bilingual staff, interpreters, translators, and other language services come at a cost. Failing to implement language assistance measures can make the department vulnerable to civil suits, resulting in potentially expensive consequences. Although lawsuits can be filed by private citizens, public safety departments are also subject to investigative scrutiny and penalties by federal agencies for violations of civil rights obligations.

The U.S. Department of Justice has conducted an initial investigation into the policies and practices of the Indianapolis Department of Public Safety. It is anticipated the Department will be found in non-compliance. Although DPS has complied with some of the DOJ requirements, a great deal of work remains. The Department has been given an extension to bring the agency into compliance and must begin immediate implementation of the program. *How long*

Although the inquiry was directed at the Indianapolis Metropolitan Police Department, light was shed on the lack of language services in most sectors of the Department of Public Safety.

Populations likely to include LEP persons should be considered when planning language services. These include, but are not limited to:

- 
- Persons in the care or custody of a law enforcement agency, such as juveniles, detainees, wards, and inmates;
 - Persons subject law enforcement functions, such as suspects, violators, witnesses, victims, those subject to immigration-related investigations, and community members seeking to participate in crime prevention/awareness activities;
 - Persons who encounter the court system; and
 - Parents and family members of the above.



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Efficiency Team – Recommendation Overview

1. What division within DPS will "own" the recommendations?
a. Do the recommendations fall in the boundaries of said division's mission and goals?
(Police)
LT. Leary - Training
Georgina Gordon
Harry?
2. Who will serve as ongoing point person for the proposed recommendations?
3. What is fiscal impact of each recommendation?
per fee box
Funding - Central of Mexico? or us
(50K)
25 for
Crash
9000000
4. What data is available to substantiate the proposed recommendations?
2% → Population Males from Censuses
5. What is implementation plan for each recommendation?
 - a. Outline implementation timeline
 - b. List implementation obstacles
6. Are there any potential media issues that may be tied to proposed recommendations?
7. Any potential issues for the Ballard administration that may be tied to the proposed recommendations?
yes
LT. Leary Counsel of Mexico
8. Will the proposed recommendations require changes to municipal code, general orders, etc?
will do!
9. Will there be issues with labor organizations tied to the proposed recommendations?
 - a. FOP
 - b. Local 416
 - c. AFSCME*No*
10. What data is available to substantiate the proposed recommendations?
11. Will the recommendations promote the safety and welfare of the public?
yes

Move into gray
up



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EXECUTIVE SUMMARY (Continued)

The federal mandate for language access services applies to LEP populations who comprise 2% or more of the total population within an agency's jurisdiction. Currently, the Spanish-speaking community is the only population meeting this DOJ threshold. Therefore, the focus of these recommendations will be applicable to this group.

A core belief expressed by members of the committee is that, although this program should be structured to provide language services, the cultural aspects of LEP and ESL constituents must be integral. The mere act of providing these services does not constitute a full commitment to the needs of these citizens.

The provision of training and services, including cultural competency, will enhance the probability of success. Inherent differences in world view – the role of family, social interaction within and outside one's community, and so on – mandates awareness of different cultures as a factor in administering justice for all people. Service providers will not be able to recognize, interact, or serve every culture in existence. The nuances are unlimited and it would be unreasonable to expect everyone to be aware of them all. However, by providing meaningful training on the cultures most likely to be encountered, the agency can provide a more welcoming climate for its constituents.

RECOMMENDATIONS

After thorough research and deliberation, the LEP Team has developed a list of definitive recommendations to meet the needs of the LEP community. These steps will also help move the Department forward toward addressing the concerns of the U.S. Department of Justice.

Detailed supporting information is provided in the next section for each of the following ten LEP Team recommendations.

- DPB-Police
Phase 2
1. Establish an office of Limited English Proficiency Access Services
 2. Appoint a Limited English Proficiency Program Coordinator
 3. Agency CEOs are Responsible for Developing Agency-Specific Policies and Procedures
(2014 Business Plan) - Major?
 4. Develop Partnerships Within the LEP community
(Leang)
 5. Re-establish the Spanish Language Immersion Training
(Local) Nav →
 6. Develop Translated Documents, Signs, and Forms
 7. Monitor and Track Program Progress, Success and Recommended Suggestions
 8. Train All Personnel In Every Aspect of the LEP Program
- Video Roll Call - (E Learning)
 9. Develop and Implement On-Line Access to LEP Services
 10. Provide Employees With Language Specific Tools
- How who is responsible?
responsible?
Time line for Ad min Review

10 Free Interpreters (Box)



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SUMMARY OF FINDINGS

Commensurate with the Public Safety Director's mandate, the LEP Team recommends the establishment of a Limited English Proficiency Program within the Indianapolis Department of Public Safety. This program will provide LEP citizens with language assistance necessary to fully appreciate all services provided by the DPS so they may enjoy the same protections and rights of every citizen. This program should be administered through a central office to ensure full compliance with federal law. However, it should also be tailored to the needs of the community. The office should be managed by an administrator who is not only capable of coordinating all activities within the program, but who understands the unique cultural aspects as well as language requirements. The program should require constant assessment and engage the community for both assistance and input. Appendix A outlines a proposed structure for the program.

The LEP Team has developed ten specific recommendations for establishing an LEP Program. A more detailed description and rationale of each of these recommendations is provided in the following section of this report.

RECOMMENDATIONS

This section provides expanded information and justification for each of the ten LEP Team recommendations.

— Recommendation 1 —

Establish an Office of Limited English Proficiency Access Services

An Office of Limited English Proficiency Access Services should be created as a city-wide effort to facilitate access to LEP services. Although this issue is specific to the DPS, this program should be administered directly from within the Mayor's office.

This office will serve as a clearinghouse for programs, policies, procedures, and strategies within the LEP program. This office will also be the nexus to all assets within the program. Finally, the office will maintain and monitor tracking records from various agencies for reporting compliance to the DOJ.

Although the Department of Public Safety has subordinate agencies (IMPD, IFD, etc.), ultimate authority and strategic planning should reside within the purview of the Mayor.

By having a central office for the coordination and administration of this program, the city will be able to manage strategic components and provide the DOJ with a one-stop reporting entity. This program will likely require a large number of resources, regardless of whether it is staffed in a full-time or part-time capacity. Although many DPS agencies are already stretched thin, it is critically important for this program to be fully implemented. Cost savings may be found in the pooling and sharing of resources.



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— Recommendation 2 —

Appoint a Limited English Proficiency Coordinator

Appoint a Limited English Proficiency Program Coordinator to be responsible for ensuring each agency adheres to its language access policy directives, plans and procedures to provide meaningful access to LEP persons. The Language Access Coordinator should report directly to the Mayor, as his/her support will be essential to successful implementation. The Coordinator may delegate some duties, but should retain overall responsibility for oversight, performance, and implementation of the Limited English Proficiency Program Plan. This Plan should include the name and contact information of each responsible official(s). Lastly, the Limited English Proficiency Program Coordinator should consider creating a working group of key stakeholders to assist in implementing procedures within each agency.

These policies will provide direction and guidance to agency CEOs, specific to their respective policies and procedures. The Coordinator will develop a Limited English Proficiency Program Plan. This plan is a management document outlining how each agency defines tasks, sets deadlines and priorities, assigns responsibility, and allocates resources necessary to comply with program requirements. Furthermore, it outlines how each agency will meet service delivery standards delineated in the policy directives, including the manner by which it will address language service and resource needs identified in the self-assessment. The plan also serves as a roadmap to help agencies navigate the following processes:

- Setting deadlines and priorities;
- Identifying responsible personnel for policy and procedures development;
- Hire, contract, assess, and ensure quality control of language assistance services (oral and written);
- Provide notice of language assistance services;
- Provide staff training; and
- Conduct ongoing monitoring and evaluation.

In determining the services to be provided, the LEP Coordinator will use the following Four-Factor Analysis from the Department of Justice:

1. The number of proportion of LEP persons served or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the activity or service provided by the program.



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Recommendation 2 (Continued)

4. The Resources available to the agency and costs

- All of the above should be correctly accounted for using the four-factor analysis method provided by the DOJ.
- The four-factor analysis method helps to determine the proper mix of LEP services required.
- While all law enforcement activities are important, the four-factor analysis allows the Department to prioritize types of language services, and to ensure that appropriate language assistance resources are promptly available where most needed.

This plan will also include a Marketing Strategy designed to provide maximum exposure to the community at-large, with specific focus on community members who need LEP services. This blueprint will be multifaceted and designed around cultural aspects of the intended audience. The same partnerships used in policy development may prove useful in marketing as well.

Suggestions include:

- Outreach documents such as brochures, booklets, and other outreach and recruitment information should state that language services are available;
- Work with community based organizations and other stakeholders to inform LEP individuals of your programs and activities;
- Use a telephone voice mail menu in the most common languages encountered;
- Include notices in local newspapers in languages other than English;
- Air notices on non-English language radio and television stations; and
- Give presentations at schools and religious organizations.

As the controller of language access efforts in one branch of city/county government, the coordinator will develop and implement Memoranda of Understanding (MOU) with other branches of city/county government for the use of LEP resources.

The Coordinator will also oversee personnel and performance of employee and non-employee interpreters and translators, which may include the following duties:

- Identifying qualified interpreters and translators to be included in an interpreter database;
- Creating interpreter, translator, and bilingual staff qualifications and ethical standards;
- Outlining measures to ensure quality control of interpreters and translators;
- Training and testing bilingual individuals including staff who provide language assistance services;



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Recommendation 2 (Continued)

- Assigning qualified interpreters, translators and bilingual employees to perform language assistance functions;
- Maintaining a regularly updated list of all competent bilingual employees, contract interpreters, and contract translators that includes their availability, non-English language(s) spoken, and contact information;
- Changing hiring and personnel practices to increase staff language capacity (e.g., providing pay incentives for bilingual employees);
- Developing a procurement strategy for contract language assistance services providers;
- Searching for funding and other resources to support interpretation and translation; technological and other infrastructural support, and staffing;
- Providing input in budgetary and procurement matters related to implementation of the language access policy, plan, and procedures;
- Coordinating procurement for interpreter and translator compensation for services rendered.
- Marketing language access programs to target communities in an effective approach will ensure a maximum number of persons requiring these services will receive the message (in order to access services, LEP individuals must know about them); and
- Identifying agencies and departments who may share resources providing a cost-cutting option.

The job description will require the coordinator be educated and mindful of cultural sensitivity of the varying service recipients. This should not mandate the Coordinator be conversant in all cultural nuances of the community; however, the Coordinator must ensure cultural sensitivity becomes an integral aspect of the program. The Coordinator will be responsible for operating the program in a manner intended to provide services in a culturally aware manner, allowing constituents to receive the services in a positive and unthreatening fashion. The language access services are the focal point of this undertaking. Cultural issues affecting the delivery and acceptance of the program are keys to the success of our efforts.

The members of the team, especially those who live in, work with, and/or advocate for our LEP citizens were unified in their view that DPS and all agencies within DPS must have a coordinator for this essential program. Team members strongly believe this program should be represented in the Mayor's staff as well. Since the Mayor is the Chief Executive Officer of the City, his appointment of a senior staff member to administer and/or participate in the plan will show true buy-in at the highest levels of city government, providing assurance this program is worthy of support.



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Recommendation 2 (Continued)

By appointing an overall coordinator of the program, DPS will have the ability to set strategic directives, objectives, and practices for all agencies. While allowing agency CEOs to manage their own resources, the Coordinator would have the ability to ensure compliance with DOJ directives and federal statutes without being concerned over the minutiae of the individual procedures. The broad range of the services necessary for the varying agencies can be determined by their CEOs. The Coordinator would be responsible for ensuring the cumulative effect of all policies and procedures operate within the strategic framework and meet the strategic objectives.

— Recommendation 3 —

Agency CEOs are Responsible for Developing Agency-Specific Policies and Procedures

Agency executives charged with responsibility of managing day-to-day operations should, along with their staff, have insight into the unique needs and obligations related to LEP services. The chief, or designee, will have the responsibility to develop, implement, and enforce the policies and procedures specific to the operation of their agency. These policies and procedures shall support the strategic plan set forth by the LEP Coordinator.

Each agency will appoint a Liaison to work with the Coordinator to fulfill the obligations of the program while ensuring the agency has sufficient resources to accomplish its objectives. The agency CEO will determine the rank and scope of assignment for the liaison. The necessity of assigning a full-time liaison will depend upon agency mandates and workload. For example, an agency such as IMPD will have LEP mandates in every aspect of the program. IMPD will also have many aspects to the monitoring and tracking processes. This may be an agency requiring a full-time assignment to program management.

On the other hand, Animal Care and Control has different mission and a much smaller staff. The LEP Liaison responsibilities may be handled as added duty assigned to an employee.

The great variance in services provided by each agency within DPS could not be contained within one overarching policy. The result would be a convoluted and unwieldy document of no value to anyone. By allowing the agency CEOs to devise policy specific to their needs, the overall strategy will be subdivided into manageable pieces. These pieces will be the constructs of DPS policy.

The appointment of a liaison with each agency follows the same logic. If agencies have needs unique enough to require separate policies and procedures, a member should be responsible for the coordination of the operations. This person can then be the point of contact for policy, procedure, and training questions.

This person will also be charged with monitoring and tracking procedures of the agency. The agency liaison will be answerable from an operations standpoint to the agency CEO, but will also operate within the sphere of influence of the LEP Program Coordinator.

*In each
agency
Plan
2014*



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— Recommendation 4 —

Develop Partnerships within the LEP Community

By appointing this committee, the Director of Public Safety has demonstrated the need to partner with various stakeholders in the development of this program. The team strongly recommends expanding and strengthening these partnerships as the program evolves.

Before the program is implemented, the Coordinator will use the key partners as a sounding board. This will allow the Coordinator to get much needed buy-in from those who have direct contact and influence within the LEP community. After the policy is instituted, partnerships with the community will be maintained in a collaborative effort to assure the effectiveness of the program. This will ensure the needed level of service is being provided, as well as to affirm the program is known to the those who may require the services.

The Coordinator will enlist the cooperation of community and ethnic organizations in many facets of the program.

- These organizations can provide resources for interpretation and translation assistance (e.g., to review translations and non-English web pages for accuracy and tone), as long as quality control measures are used.
- Community organizations can help agencies to determine their language access priorities by identifying the services and information most frequently accessed or "in demand" by various language communities.
- Community organizations can help agencies assess the effectiveness of their language access plan by providing honest feedback.
- Community organizations can be a source of good publicity for agency language access efforts by informing LEP community members of available services and the manner in which the agency is striving to meet LEP needs.

The Consul of Mexico has offered to be a partner in many areas of the program and has already been a key participant in its development.

Continued development of partnerships will benefit the agencies, but the main beneficiary will be the recipients. By engaging the community and professional partners, we will not only be utilizing a valuable asset, we will be taking steps to assure the community of the viability of this meaningful program. Word of mouth, especially from a trusted source with a vested interest in the program's outcome, is the most valuable advertising possible. It would be remiss to not engage partners from a broad spectrum of stakeholders.

Another component of community engagement is feedback. Community partners will be used as a sounding board for ideas and measurement of the success and failures within the program. The feedback can be used to make proper adjustments to the program.



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— Recommendation 5 —

Re-institute the Spanish Immersion Program

The department should reinstitute the Spanish Immersion Program. Also referred to as the Language, Cultural & Humanitarian Immersion Project, this program provides firefighters and police officers the opportunity to receive job-specific instruction on communicating with the Latino community. It also provides a chance to hone their communication skills while developing a better understanding of the Latino culture during the immersion program, which includes a community-based, service-learning program in Mexico and other Latin countries. The five phases include:

- **Phase I** – Three-day Emergency Spanish (pre-requisite for entering the program)
- **Phase II** – Six months of Spanish classes
- **Phase III** – Ten days of local Spanish immersion
- **Phase IV** – Four weeks Mexico (or other Latin country) immersion
- **Phase V** – Advanced Spanish classes

During the recent audit by DOJ, the representative critiqued the value of this program. The dissolution of the immersion program must be reversed. This program was managed by the non-profit organization Badges Without Borders (BWB). BWB worked with corporate and individual donors to finance the operation. Although now defunct, this advantageous program must be resumed.

As noted by one of our community partners, the 4-week immersion portion of the program does not necessarily have to occur in another country. The local Latino community provides plenty of opportunity for an immersion experience. This is a money and time saving option that offers participants the chance to gain the skills from the long-term immersion and at the same time, gain a better understanding of the local culture.

The program demonstrates measured success by allowing more public safety personnel to respond to emergency calls and communicate not only verbally, but with an understanding of the Latino culture. This directly addresses the needs of agency personnel when dealing with LEP citizens. This program reduces both the language and cultural barriers between public safety personnel and the Spanish speaking community in Indianapolis.

A program managed and financed by an outside community-based organization would be furthering the goal of partnering with our citizens in a constructive and meaningful endeavor, while contributing to the international identity of the City of Indianapolis. Even if the funding will not be available in the future, the agency can partner with the local community and gain the same experience and benefits.

The preferred option is to send participants to Mexico for the immersion program. Although the local immersion would remain an option, this would better be served as an avenue for advanced and refresher training. **The Mexican Consul specifically mentioned that the Indianapolis immersion program is considered the most efficient and well received program in the United States.** Although he considered the language portion of the program essential, he was most enthused by the cultural exchange provided.



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— Recommendation 6 —

Develop Translated Documents, Signs and Forms

As unnerving as face-to-face encounters may be, navigating through buildings and other service areas can be just as difficult. This is especially true for LEP citizens. The Department and each agency will post signs directing LEP citizens to primary points-of-service and emphasize key elements of facilities.

Translation of useful documents and signs will be a fundamental facet of providing services to the LEP community. The agencies within the Department will have unique challenges in assessing which signs and documents are necessary to provide the proper services and ensure the civil rights of individuals are guaranteed. The agencies can consult with the LEP website and in some cases, speak to agencies of similar mission requirements to see what translations were found necessary. This will be a process of some trial and error, but the key will be listening to feedback from the recipients and service providers as to which forms are necessary.

Suggested items for translation, as recommended by the DOJ:

- Consent and complaint forms;
- Intake forms, having the potential for important consequences;
- Written notices of rights, denial, loss, or decreases in benefits or services, parole, and other hearings;
- Notices of disciplinary action;
- Notices advising LEP persons of free language assistance;
- Written tests that do not assess English competency, but test competency for a particular license, job, or skill for which knowing English is not required;
- Application to participate in an agency or department program or activity, or to receive benefits or services;
- Entrance and exit signs; and
- Signs directing individuals to key services within an area.

As with many aspects of these recommendations, agency CEOs in consultation with the Coordinator will have to determine agency needs. The unique services provided throughout the agency will govern the documents needing translation. Agencies will also have to ensure compliance with DOJ, state, and local mandates.



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Recommendation 6 (Continued)

Translation empowers LEP citizens to utilize many services they otherwise may not have known existed without having to seek assistance in reading and completing documents. Several members of the committee spoke to their experiences of being in this and other countries where they were non-native language speakers, and how intimidating any experience of dealing with local agencies was. The inability to do the simple task of following directions raised the level of anxiety when seeking assistance. Key translations establishes a true environment of cooperation and assistance.

Civil rights of every person must be guaranteed. The translation of key documents will make certain the agency is engaged in a good-faith effort to provide equal protection of the rights of LEP and non-LEP citizens alike.

— Recommendation 7 —

Monitor and Track Program Progress, Success and Recommended Suggestions

The program coordinator, in conjunction with agency heads, will be required to monitor compliance by ensuring staff cooperation and accountability. The Coordinator will have the ultimate responsibility to monitor all program activities. Tasks related to the collection of data can be delegated to the agencies themselves, but the responsibility for amassing reporting information will fall to the program coordinator.

Responses to the following questions outlined by the DOJ must be monitored to assure program efficiency and compliance:

- Is there an LEP Coordinator identified?
- Are you working with community-based organizations familiar with the language needs of individuals participating in or eligible to participate in agency programs and services?
- Is there a process in place for surveying, collecting and/or recording primary language data of participants?
- Have resources needed to provide meaningful access for LEP persons been identified?
- Is language assistance available at all identified points of contact?
- Have employees who fluently speak a language other than English, and the languages they speak, been identified?
- Have employees who are qualified as interpreters been identified?
- Have interpreter services for the area been identified?
- Have costs of additional resources been identified?



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Recommendation 7 (Continued)

- Is there a policy, plan or procedure in place for language interpreter and translation services?
- Have employees been informed of your policies regarding LEP persons?
- Have employees been trained on your policies and procedures regarding LEP persons?
- Is there a tool being used to collect data on participant satisfaction with interpreter/translation services?
- Have there been any complaints filed because of language access problems?

In addition to the preceding elements, ensure the plan is effective by including:

- Clear goals;
- Management accountability; and
- Opportunities for community input and planning throughout the whole process.

Also ensure that:

- Complaint procedures are in place; and
- An EO monitoring tool has been developed.

Additionally, the plan and strategy of the program must be monitored to determine if an update is necessary. The following are areas of consideration:

- Current LEP populations in the service area or population affected or encountered;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Availability of resources, including technological advances and sources of additional resources, as well as the costs imposed;
- Existing service assistance is meeting needs of LEP customers;
- Employees know and understand the LEP plan and how to implement it; and
- Identified sources for assistance are still available.



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Recommendation 7 (Continued)

To assist in data collection, DPS will be required to institute several changes and/or additions:

1. RMS Field Reporting for the agencies using the report writing system. This will require an update to the RMS system. The suggestion is to put a check box to be used in the event that LEP services are accessed. Additionally, report takers will indicate this in the Narrative portion of the report which language service was used. In addition to these administrative changes, training will be required.
2. Customer Contact electronic logs would simplify data collection. This will require the form to be designed and given to the data processing section to allow electronic entry.
3. Billing Statements submitted by contracted telephonic service.
4. The individuals assigned as interpreters must be required to track their contact time, reasons, and outcome. A good example of this type of log can be found in the Drug Recognition Expert program.
5. Other in-person service providers.

All data gathered from monitored activities will be collected on an annual basis for reporting and evaluation purposes. The data will be used to update, add, or delete resources and processes with this program. The data must be meaningful and up to date.

Monitoring all aspects of the program is an absolute necessity. Any worthy process has a built-in evaluation system used to determine the effectiveness and/or efficiency of the original plan. It would be presumptuous to believe an undertaking of this magnitude would not require adjustments and revisions. No matter the sincerity and diligence of the developers of this program, mistakes and inefficiencies will occur. By mining for data related to the operation of this program, administrators can make needed changes for improvement.

This is not only an administrative function of the Coordinator, the evaluation of the program will be a collaborative effort with the community. This will raise the conviction of the participants as to the worthiness of the program and its goals. We must show the willingness to fix what needs fixing.

— Recommendation 8 —

Train All Personnel in Every Aspect of the LEP Program

Conduct regular training sessions on all aspects of the LEP program. All employees should be trained to the specifics of the agency's LEP Plan. Agency members cannot promote or advocate this crucial program without training. The members must be knowledgeable of all available services, as well as policies and procedures for accessing those services. This training must include information on the strategic objectives of the plan.



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Recommendation 8 (Continued)

Some recommended training would be:

- Types of language services available;
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with agency staff; and
- How to ensure competency of interpreters and translation services.

A central step in the process is to frame and publish the policies and procedures relevant to the program. Training could not be structured until program parameters are established.

At a minimum, training should be offered to the service providers on an annual basis. Key personnel, certified interpreters, bi-lingual employees and other personnel may require more frequent and specialized training.

Members of DPS cannot effectively provide our citizens with the full array of services without this training. The employees must be thoroughly trained in the components of the program so they will know how to access program options, what services are available, and who is eligible for the services. It is unrealistic to believe publishing a program of this importance and consequence without providing frontline providers and supervisory personnel with needed training would guarantee success.

This training would also be ineffective if it is not tailored to the individual agency. Each agency has vastly different requirements within this program and must provide agency-specific training on their procedures to employees.

An often overlooked element when training employees on the intricacies of a program is providing them with the strategic vision. Even though the operations portion of the program is of vital importance, giving department members the broader perspective of the program will allow them to be a better provider of services, as well as a better advocate of the program.



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— Recommendation 9 —

Develop and Implement On-line Access to LEP Services

On-line access to services and documents must be considered an integral part of the plan. Because LEP citizen internet usage increases every day, agencies need to ensure they have equal online service access.

This agency needs to keep pace by using the following recommendations:

- Translated web pages should be a priority, not an afterthought. They should be easy to locate and navigate.
- Translated web pages should serve as a “one-stop shop” for agency information.
- Web pages should be available in Spanish, at a minimum, as well as other common languages.
- Web-based, automatic translation services should not be used, as these translations have been found to be inaccurate.

A vast majority of people rely on the internet for information and services and LEP citizens are no different. It is the agency's obligation to present those same services on its web page in translated form. The agency cannot deny this access because of a language barrier.

— Recommendation 10 —

Provide Employees with Language-Specific Tools

Department and agency employees should be issued visual aids and physical tools that can be used to determine required language services and provide vital information to responders. Various organizations provide free visual aids designed to assist in dealings with LEP citizens. After verification of correct translation and applicability, the department should make these documents available to those who may have contact with LEP constituents.

Additional consideration should be given to training personnel in the appropriate use of all supplied tools and visual aids.

Examples of two of these tools are attached. These tools come from other agencies, so adjusting them to local use may be necessary.

Although the services of the trained and certified employees are a must, emergency and rapidly evolving situations require employees to gather and disseminate information quickly and accurately. A description of suspects in a violent crime, or information pertaining to an injury or victim could mean life or death. Several sources provide excellent tools to aid in these situations. The capital investment in paper, time, research, and training are well worth the potential payoff to employees and citizens.



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CONCLUSION

These recommendations are submitted to the Director of Public Safety with the consensus of the team members. Much discussion, research, and deliberation has gone into the contents of this document, and it is the team's sincere hope the project will move forward. It has been a privilege serving on this team. We wish to extend the offer to provide any further information or assistance with the development and/or implementation of this program. We also want to thank Director Riggs for the opportunity to be heard.

Many of the points outlined in this recommendation are taken from federal government publications and policies. Some of them are word for word. This is prudent, since they are the final arbiters of the soundness of our aggregate program, which includes policy, procedure, training, implementation, quality control, monitoring, and review. These broad points were taken and, where necessary, they were adjusted to fit the requirements of the city and communities. The team's intent is to provide solid recommendations for the implementation of this much needed program without placing unnecessary or onerous restrictions on the administrator(s) given the responsibility for making it a reality.

Background Information

The LEP website (<http://www.lep.gov>) contains information on all aspects of the program including requirements, planning tools, other resources, and examples of current LEP programs in use.

Some items of particular interest are found at <http://www.gpo.gov/fdsys/pkg/FR-2002-06-18/pdf/02-15207.pdf>. This is a partial printing of the *Federal Register* /Vol. 67, No. 117 dated Tuesday, June 18, 2002 /Notices, and in particular, the article titled DEPARTMENT OF JUSTICE - Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons.

Section III, "Who is covered?" provides guidance on who is required to establish LEP processes and procedures. The DOJ has provided a 4-prong test to be used in making the determination. The test for Local Law Enforcement can be found on page 41466 Appendix A, section A

This article also answers the question, "Who Is a Limited English Proficient Individual?" Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and entitled to language assistance with respect to a particular type of service, benefit, or encounter.



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RESOURCES

Executive Order 13166: <http://www.justiceogoy/crt/corlPubs/eolep.pdf>

The Federal Interagency Working Group on Limited English Proficiency Website
http://www.lep.gov/demog_data.html

Planning tool for implementing an LEP program in Law Enforcement
http://www.lep.gov/Law_Enforcement_Planning_Tool.htm

Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs
http://www.lep.gov/resources/2011_Language_Access_Assessment_and_Planning_Tool.pdf

Considerations for Creation of a Language Assistance Policy

DOJ LEP Guidance: <http://www.justice.gov/crt/cor/lep/DOJFinLEPFRJunI82002.php>

Website of the Federal Interagency Working Group on LEP: <http://www.lep.gov>

Top Tips from responses to the 2006 language access survey of federal agencies:
http://www.lep.gov/resources/2008_Conference_Materials/TopTips.pdf

The 2006 Language Access Survey: http://www.lep.gov/resources/2008_Conference_Materials/FedLangAccessSurvey.pdf

I Speak Language Identification flashcards: <http://www.lep.gov/ISpeakCards2004.pdf>

LEP rights brochure: http://www.lep.gov/resources/lep_aug2005.pdf

Federal Register /Vol. 67, No. 117 /Tuesday, June 18, 2002 /Notices

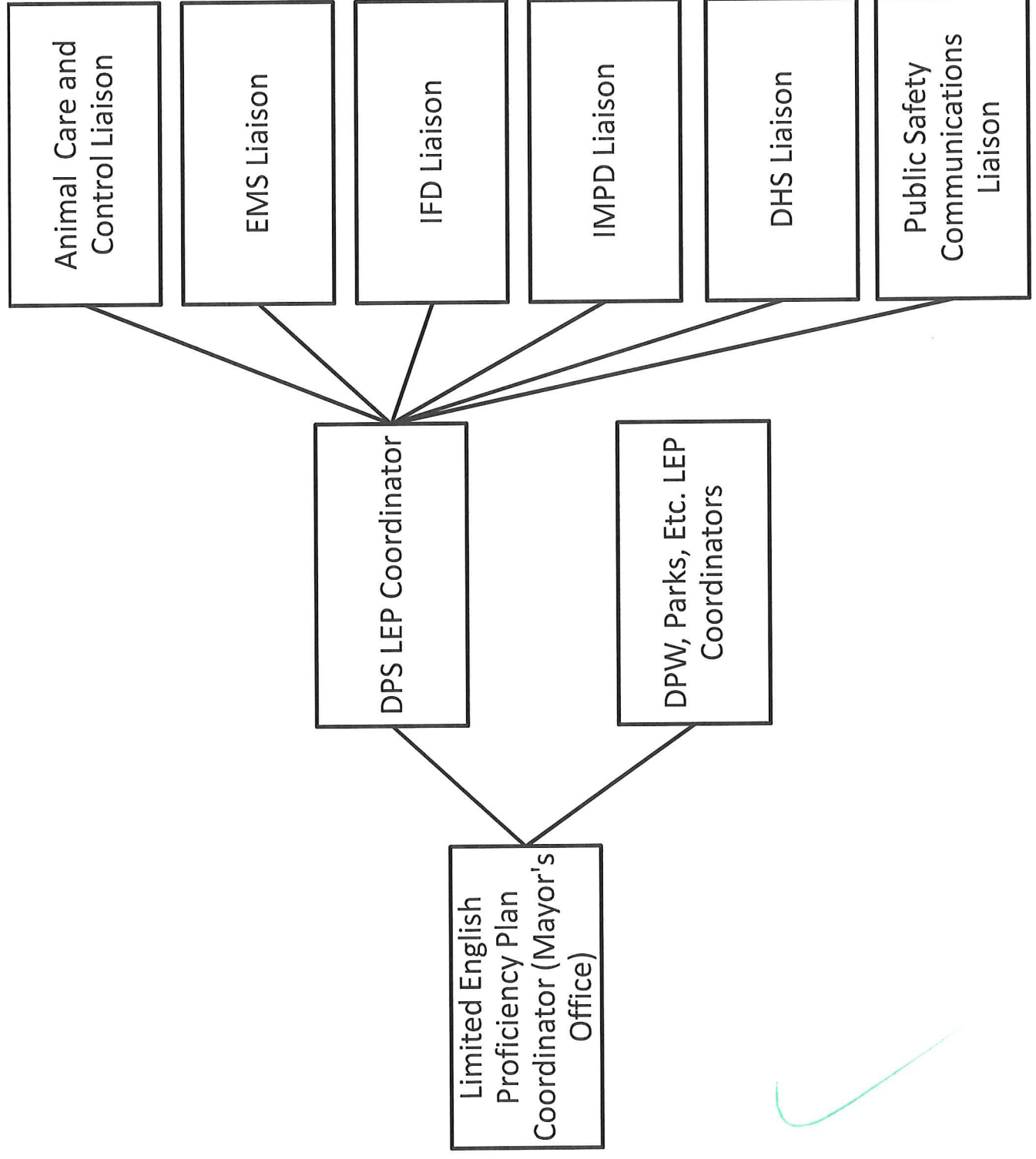
Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, *et seq.* (Title VI)

DOJ Policy Guidance entitled “Enforcement of Title VI of the Civil Rights Act of 1964—

National Origin Discrimination Against Persons with Limited English Proficiency.” *See* 65 FR 50123 (August 16, 2000)

Lost in Translation Limited English Proficient Populations and the Police, Venkatraman, B., Police Chief Magazine, March 2013;
http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=861&issue_id=42006

Limited English Proficiency Program Structure



☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խնդրում ենք նշում կատարել այս քառակուսում,
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ល្អបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukranian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באציכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish